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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,345	06/22/2001	Michael Gary Platner	050416	8906
23464	7590	06/27/2006	EXAMINER	
BUCHANAN INGERSOLL, P.C. P.O. BOX 1404 ALEXANDRIA, VA 22313-1404			MISIASZEK, MICHAEL	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/888,345	Applicant(s) PLATNER ET AL.	
	Examiner Michael Misiaszek	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/10/2006 has been entered.

Claim Objections

Claim 38 is objected to because of the following informalities: "entitle" in claim 38 should be changed to -- entitles --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 32, 33, 37, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Messner (US 6370514 B1).**

Regarding Claim 32

Messner discloses a method comprising the steps of:

- receiving payment from a purchaser for a certificate for an online product of a vendor, said certificate comprising an authorization code having at least one characteristic that identifies said purchaser (at least column 6, lines 24-40: purchase pays for monetary value of certificate, certificate comprises account number which can be used to identify purchaser)
- providing said certificate in a physical form to said purchaser (at least column 11, lines 10-20: purchaser may receive physical gift card)
- receiving entry of said authorization code on a web site via which said online product can be obtained, wherein said authorization code is entered on said web

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site by a user to whom said certificate has been transferred from the purchaser
(at least column 10, lines 14-58: recipient enters account number on website)

- determining the identity of said purchaser from the authorization code received from said user (at least column 8, lines 47-57: purchaser notified when certificate tracked with account number is used or not delivered)
- providing said online product to said user in response to entry of said authorization code (at least column 10, lines 14-58: product delivered when account number verified and transaction completed)

Regarding Claims 33, 37, 38

Messner discloses:

- said certificate designates a specific online product of the vendor to be provided to the user (at least column 3, lines 20-26: direct recipient to specific product)
- said certificate entitles the user to obtain the online product for no fee (at least column 6, lines 24-30: certificate has monetary value associated with it that can be used to purchase entire product)
- said certificate entitle the user to obtain the online product at a reduced fee (at least column 6, lines 59-67: discounts can be applied)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messner in view of Barrot et al. (US 20030212611 A1, hereinafter Barrot).

Messner discloses the claimed invention except for:

- said online product pertains to the funeral industry

Barrot teaches that it is known to offer online products pertaining with the funeral industry (at least abstract) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by Messner, with the offering of online products pertaining to the funeral industry, as taught by Barrot, since such a modification would have provided a means for a funeral provider to inform families and friends of the deceased about additional products not displayed on the showroom floor of the funeral home (at least paragraph [0005] of Barrot).

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3. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messner in view of Dixon, III et al. (US 20010037236 A1, hereinafter Dixon).

Messner discloses the claimed invention except for:

- said certificate is made of paper and comprises multiple pages of material

Dixon teaches that it is known to include a paper certificate comprising multiple pages (at least paragraph [0065]: coupon booklet made of paper and has multiple sheets) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by Messner, with the certificate made of paper and having multiple pages, as taught by Dixon, since such a modification would have provided a booklet having a plurality of items with information identifiable with a single bar code (at least paragraph [0011] of Dixon).

Response to Arguments

Applicant's arguments filed 5/10/2006 have been fully considered but they are not persuasive.

Applicant asserts that in the Messner reference, a gift certificate is not provided to the purchaser for subsequent transfer to a user. However, in at least column 11, lines 11-13, a physical gift card is provided to the purchaser, which can be transferred to a user at the purchaser's discretion. Applicant further asserts that the Messner reference provides no authentication code for identifying a purchase. Messner does, in fact, disclose such an authentication code, in the form of an account number, which is used to identify the purchaser in the event of one of several notification instances.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
6/20/2006

Michael A. Misiaszek
Primary Examiner